

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Colorado

United States of America)

v.)

Case No. 10-mj-1044-CBS

MURALI KRISHNA NOOKELLA)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/01/2010 in the county of Denver in the District of Colorado, the defendant violated 49 U. S. C. § 46506(2), an offense described as follows:

On Southwest Airlines Flight 228, which was an aircraft in the special aircraft jurisdiction of the United States, MURALI KRISHNA NOOKELLA committed an act that if committed in the District of Columbia would violate Section 9 of the Act of July 29, 1892, D.C. Code § 22-1112 (now recodified at D.C. Code § 22-1312(a)), to wit, the defendant herein made an obscene and indecent exposure of his person by exhibiting his penis to a female passenger aboard flight 228.

This criminal complaint is based on these facts:

Continued on the attached sheet.

Handwritten signature of Joel E. Nishida

Complainant's signature

Joel E. Nishida, SA, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/2/10

City and state: Denver, CO

Handwritten signature of Craig B. Shaffer

Judge's signature

Craig B. Shaffer, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF INFORMATION

Your affiant, Joel E. Nishida, has been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since 1988. Since 2001, I was assigned to the Denver International Airport where I investigate alleged crimes that occurred within the Special Aircraft Jurisdiction of the United States.

On March 1, 2010, the Transportation Security Administration (TSA) at the Denver International Airport notified me that a disturbance was reported onboard Southwest Airlines flight 228. I contacted dispatch for the Denver Police Department at the Denver International Airport for additional details. Dispatch heard a passenger exposed himself to another passenger onboard flight 228.

I responded to the Denver International Airport where I conducted the following investigation:

I interviewed Robert Locke who was the Captain onboard Southwest Airlines flight 228. Captain Locke provided the following information:

Flight 228 was scheduled to fly from Philadelphia, Pennsylvania to Denver. Flight 228 was a Boeing 737-700 aircraft bearing United States Aircraft Registration Number N259WN. During flight, the aircraft would be an aircraft in the special aircraft jurisdiction of the United States. During the flight to Denver, the "A" flight attendant reported that a female passenger told her the passenger seated next to her, subsequently identified as Murali Krishna Nookella, was masturbating and that she saw his penis. Nookella was relocated to another seat. Captain Locke contacted dispatch to have the police meet the aircraft upon its arrival in Denver.

I interviewed Kim Lovett who was the "A" flight attendant onboard flight 228. Lovett provided the following information:

During the flight, Lovett was seated in the forward jump seat when she was contacted by passenger with initials C.S.A.. C.S.A. told Lovett that she never saw anything like this before and that she wanted to bring it to Lovett's attention. C.S.A. explained that she saw passenger Nookella fumbling underneath a blanket. C.S.A. looked over and saw Nookella's penis exposed. C.S.A. gave a hand motion to indicate that Nookella was masturbating. Nookella said to C.S.A. words to the effect, you saw that didn't you. C.S.A. replied yes. Nookella said he would move seats. C.S.A. responded that would be a good idea. Lovett called the Captain to report the incident. The Captain asked her to make sure Nookella was not seated by any women. Lovett found Nookella seated between two men. He had a blanket over his lap and was asleep. C.S.A. seemed upset, nervous, and shocked from the incident.

I interviewed C.S.A. who was a passenger onboard Southwest Airlines flight 228. C.S.A. provided the following information:


C.S.A. sat in a middle seat at or near seat 7B. She was traveling alone. During the flight, Nookella sat next to her at a window seat. Nookella asked C.S.A. a lot of questions such as where she was from, the purpose of her trip, and flights she took. C.S.A. subsequently took out her laptop computer, put on headphones, and looked at emails. She then noticed Nookella had leaned forward to look over her shoulder to look at her emails. C.S.A. looked back at Nookella (as if to say what are you doing).

Nookella then leaned back in his seat. He had a mustard/gold blanket pulled up to his waist. C.S.A. noticed that Nookella's eyes were closed as his hands moved all around his groin area underneath his blanket. C.S.A. did not notice an erection. C.S.A. did not think Nookella was asleep because there was not enough time for him to fall asleep. C.S.A. thought the situation was weird. She began to pack up her belongings so that she could change seats. C.S.A.

looked at Nookella and saw him holding his erect penis. C.S.A. was positive that she saw Nookella's penis. C.S.A. had eye contact with Nookella. He was not asleep when she saw him holding his penis. Nookella said to C.S.A., "You caught me." C.S.A. replied, yeah I did. Nookella's left hand held a napkin. C.S.A. did not look but heard a swishing sound. She thought Nookella wiped something. C.S.A. got up to leave. Nookella responded that he would go and move to the back. Nookella moved to the back. Entire incident happened during a three to five minute period. C.S.A. initially reported the incident to the passenger seated on the other side of her.

C.S.A. did not know Nookella prior to the flight. C.S.A. did not give him permission to expose his penis to her. She thought he was self-gratifying himself. C.S.A. at first felt shock, then was bewildered, angry, and afraid. C.S.A. wanted to press charges against Nookella.

Based on above information, I believe Nookella violated Title 49 United States Code Section 46506 and District of Columbia Code Section 22-1312(a) by unlawfully and knowingly making an obscene and indecent exposure of his person and a lewd, obscene, and indecent act while on an aircraft in the Special Aircraft Jurisdiction of the United States.



Joel E. Nishida, Special Agent, FBI

Sworn to and subscribed to before me this 2nd day of March, 2010



United States Magistrate Judge

(Rev. 04/07)

DEFENDANT: MURALI KRISHNA NOOKELLA

YOB: 1975

ADDRESS (CITY/STATE): In custody

COMPLAINT FILED? YES NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____

IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? YES NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: Crimes aboard aircraft

LOCATION OF OFFENSE (COUNTY/STATE): Special aircraft jurisdiction of United States

PENALTY: NMT 90 days in jail, NMT \$5000.00 fine, NMT 1 year supervised release, \$10.00 special assessment

AGENT: Special Agent Joel Nishida
Federal Bureau of Investigation

AUTHORIZED BY: James R. Allison
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

unknown at this time

The statutory presumption of detention **is** or **is not** applicable to this defendant. **(Circle one)**

OCDETF CASE: Yes No